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Chicago, IL 60601  
13 Phone: (312) 861-1800  
(Pending Pro Hac Vice Admission)  
14 Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

17 JOHN DOE, name fictitious, ) Docket: X  
18 and all persons whose names )  
19 are set forth in Exhibit A, )  
individually and on behalf of )  
all others similarly situated, )  
20 ) COMPLAINT  
Plaintiffs,  
21 vs.  
22 WYNN LAS VEGAS, LLC, and )  
STEVE WYNN, )  
23 )  
Defendants.  
24 )

26 COMES NOW Plaintiff, JOHN DOE, name fictitious, and those  
27 persons set forth in Exhibit "A" ("Plaintiffs"), for themselves and  
28 all others similarly situated, through their attorneys, and allege

1 the following upon personal knowledge as to themselves and their own  
2 acts, and upon information and belief as to all other matters:

## JURISDICTION AND VENUE

4       1. This Court has jurisdiction pursuant to Section 16(b) of  
5 the Fair Labor Standards Act, 29 U.S.C. §216(b), which provides, "An  
6 action to recover the liability prescribed in either of the  
7 preceding sentences may be maintained against any employer...in any  
8 federal or state court of competent jurisdiction by any one or more  
9 employees for and on behalf of himself or themselves and other  
10 employees similarly situated." A "Consent to Joinder" form for each  
11 individual plaintiff has been filed with this Complaint and for some  
12 plaintiffs also previously filed with the Court.

13       2.     Venue is proper in the United States District Court for  
14 Nevada because Defendants conduct business in Clark County Nevada,  
15 plaintiffs reside in Clark County, Nevada, plaintiffs worked for  
16 defendants in Clark County, Nevada, and the acts complained of  
17 herein happened in or around Clark County, Nevada.

18 || BACKGROUND AND PARTIES

19       3. Plaintiffs, on behalf of themselves and all others  
20 similarly situated (collectively "Plaintiffs"), by their attorneys,  
21 bring this action against defendants. The fictitious plaintiff  
22 "John Doe" is not intended to be an actual person and such name is  
23 interposed to shield the actual plaintiffs, listed on Exhibit "A,"  
24 from the notoriety and presumptive harassment that one of them would  
25 face by being publicly identified as the "first named" or presumed  
26 "lead plaintiff" in this case.

27       4. The defendant STEVE WYNN is, for the purposes of the  
28 claims made herein under the Fair Labor Standards Act, 29 U.S.C. §

1 201 et seq. (the "FLSA"), an employer of the plaintiffs as they have  
2 acted on behalf of an employer and/or acted as an employer by  
3 willfully, intentionally, knowingly or otherwise promoting,  
4 allowing, directing or otherwise creating the compensation policies  
5 alleged herein that violate the FLSA, such individual defendant also  
6 exercising the power they had with the other defendant WYNN LAS  
7 VEGAS, LLC by virtue of their status as officers and/or managers  
8 and/or owners of the same to continue, create, or allow such  
9 policies to flourish and remain in existence.

10 5. WYNN LAS VEGAS, LLC is a limited liability corporation  
11 formed and existing pursuant to the laws of the State of Nevada and  
12 having its principle place of business in Clark County, Nevada.

13 **AS AND FOR CLAIM FOR RELIEF UNDER THE FAIR LABOR STANDARDS ACT**

14 6. The defendants employ the plaintiffs and hundreds of other  
15 persons as casino dealers in their casino, the Wynn Las Vegas also  
16 partially known as Encore.

17 7. Pursuant to Section 16(b) of the FLSA, the individual  
18 plaintiffs bring this Complaint as a collective action (also  
19 commonly referred to as an "opt-in" class or "an FLSA class"), on  
20 behalf of themselves and all persons similarly situated who consent  
21 to join this litigation by filing a written consent with the Court  
22 and who also agree to be represented by plaintiffs' counsel, such  
23 persons making claims under the FLSA for the applicable period after  
24 May 5, 2011, until entry of judgment after trial.

25 8. Plaintiffs are informed and believe, and based thereon  
26 allege that there are at least 500 putative FLSA class members who  
27 could "opt in" to this case, the actual number of FLSA class members  
28 is readily ascertainable by a review of the defendants' records

1 through appropriate discovery, and the plaintiffs propose to take  
2 proceedings in this action to have such persons notified of this  
3 litigation and given an opportunity to file written consents to join  
4 this litigation.

5       9. Defendants are an enterprise engaged in commerce within  
6 the meaning of the FLSA that uses and/or produces or ships goods in  
7 interstate commerce or goods that have so moved in interstate  
8 commerce and have gross revenue in excess of \$500,000 a year and/or  
9 are otherwise employers subject to the provisions of the FLSA in  
10 respect to their employment of the plaintiffs.

11     10. Pursuant to 29 U.S.C. § 206 and § 207 the defendants are  
12 charged with an obligation to pay the minimum wage and overtime  
13 wages required by the FLSA to the plaintiffs.

14     11. Defendants have failed and refused to make the minimum  
15 wage and/or overtime payments required by the FLSA to the plaintiffs  
16 or otherwise comply with the requirements of the FLSA in respect to  
17 their employment of the plaintiffs because, since May 5, 2011, they  
18 have violated 29 U.S.C. § 203(m) and 29 U.S.C. § 206 of the FLSA and  
19 the implementing regulations thereto set forth in 29 CFR 531.52 and  
20 29 CFR 531.54, to wit, they have failed to allow the plaintiffs to  
21 retain for themselves, or retain for themselves through a tip pool  
22 structured in compliance with the provisions of the FLSA and  
23 otherwise authorized by the FLSA, all of the tips they have received  
24 from customers during the course of their employment by the  
25 defendants.

26     12. Defendants have required the plaintiffs, as a condition of  
27 their employment, to pool and share their tips with other employees  
28 who do not customarily and regularly receive tips, such tip pool

1 and/or tip sharing not being authorized under the FLSA and its  
2 relevant implementing regulations and/or have required the  
3 plaintiffs to give a portion of their tips to other employees of the  
4 defendants in a manner that violates the FLSA.

5       13. Defendants, by implementing the policies alleged in  
6 paragraph 12, have effectively failed to pay any wages whatsoever to  
7 the plaintiffs, in that defendants recoup from the plaintiffs,  
8 through the taking of a portion of the plaintiffs' tips, an amount  
9 far in excess of the amount it nominally pays to the plaintiffs from  
10 the defendants' own funds, such actions by the defendants violating  
11 the purpose and intent of the FLSA which is to make all employers  
12 pay FLSA required minimum wages and overtime wages and all other  
13 wages solely from the resources of the employer and not by  
14 appropriating employee tips to make such wage payments, the FLSA  
15 also preventing an employer from engaging in such an appropriation  
16 by using a tip pool, such as the one used by defendants, to  
17 compensate employees who do not regularly and customarily receive  
18 tips with a portion of the tips received by other employees who do  
19 regularly and customarily receive tips.

20       14. Defendants' aforesaid violations of the FLSA were  
21 intentional, willful and knowing. Such willful violations are  
22 established by, among other things, a history of prior and existing  
23 litigation against defendants over the tip taking and pooling  
24 policies at issue and the awareness of defendants' counsel of the  
25 regulations issued by the United States Department of Labor that  
26 were implemented and effective as of May 5, 2011 and that govern the  
27 claims made herein.

28       15. As a result of the foregoing the plaintiffs, on behalf of

1 themselves and all other persons who join in this action by filing  
2 written consents with the Court and who agree to be represented by  
3 plaintiffs' counsel, seek to collect their full damages for the  
4 defendants' aforesaid violations of the FLSA that have occurred on  
5 and after May 5, 2011, to wit, the value of the tips taken from them  
6 by the defendants and given by the defendants to other employees of  
7 the defendants who do not customarily and regularly receive tips, or  
8 given to other employees whom the plaintiffs cannot be required to  
9 share their tips with under the FLSA, or whatever other measure of  
10 actual damages they are due from defendants' aforesaid violations of  
11 the FLSA taking place on and after May 5, 2011, along with an equal  
12 amount of liquidated damages as provided for under 29 U.S.C. §  
13 216(b), together with attorneys' fees, costs, interest and such  
14 other relief as the Court may deem proper.

15       16. Plaintiffs' claims are identical in scope and substance to  
16 those made in the case previously pending before this Court, *Cesarz*  
17 *v. Wynn Las Vegas*, 13-cv-109, final judgment entered January 10,  
18 2014, reversed and remanded by the United States Ninth Circuit Court  
19 of Appeals, No. 140-15243, Opinion of February 23, 2016, mandate not  
20 yet issued as of March 4, 2016. Most of the Plaintiffs in this  
21 action have, on or after, February 23, 2016, filed consents to  
22 joinder pursuant to 29 U.S.C. § 216(b) with this Court in the *Cesarz*  
23 action (the "consents"). Defendants have been advised of those  
24 filings and of the intent of such plaintiffs to have those consent  
25 filings properly interposed pursuant to 29 U.S.C. § 256, as of their  
26 date of filing in the *Cesarz* action, for statute of limitations  
27 purposes. Defendants have refused to recognize the legitimacy of  
28 those consent filings in the *Cesarz* action for the purposes of 29

1 U.S.C. § 256. Defendants have provided no basis for such refusal,  
2 but it is presumed they may elect to later allege this Court in the  
3 Cesarz action lacks jurisdiction to currently accept those consent  
4 filings, for purposes of 29 U.S.C. § 256, and will lack such  
5 jurisdiction until such time as the Ninth Circuit Court of Appeals'  
6 mandate is issued in that case. Because the plaintiffs' rights  
7 under the FLSA will erode each day that their consents are not  
8 properly filed in this Court, defendants' reservation of a right to  
9 challenge the filing of those consents in the Cesarz action has  
10 compelled the plaintiffs to file this action to ensure they are  
11 fully complying with, and protecting their rights under, 29 U.S.C. §  
12 256 and the FLSA. Plaintiffs do not intend to prosecute multiple or  
13 duplicate claims and would not bring this action, and would instead  
14 rely upon the filing of their consents with this Court in the Cesarz  
15 action to protect their rights under the FLSA, if not for  
16 defendants' foregoing conduct as alleged in this paragraph.

17 WHEREFORE, plaintiffs demand the relief on each cause of action  
18 as alleged aforesaid, together with costs, interest, attorney's fees  
19 and such other relief as the Court deems just.

20 Plaintiffs demand a trial by jury on all issues so triable.

21 Dated this 4th day of March, 2016

22 Leon Greenberg Professional Corporation

24 /s/*Leon Greenberg*

25 By: \_\_\_\_\_

LEON GREENBERG, Esq.

Nevada Bar No.: 8094

26 2965 South Jones Boulevard - Suite E3

27 Las Vegas, Nevada 89146

(702) 383-6085

28 Attorney for Plaintiffs

## Exhibit A-List of Filers

Abebe, Etagegn  
Amare, Genet B.  
Aromin, Bryan D.  
Blaney, Linda  
Brown, Estella  
Burbank, Ashley  
Carabasu, Anca  
Casacchia-Anderson, Marianne  
Chakarov , Petar  
Chakarova, Malina  
Chau, Linda  
Chen, Alice Sarah  
Chen, Angro  
Chiang, Kai Hong  
Christian, Dona  
Ciliberti, Christina  
Cincotto, Matthew  
Cipriani, Scott  
Crockett, Nurys  
D'Angelo, Richard  
Deng, Vivian  
Desiderio, Marie  
DiGiogio, Mike  
Donner, Kay  
Dueas, Candida  
Durando, Dennis  
Dyer, Jason C.  
Dzama, Christina  
Early Jr., Thomas  
Egan, Lauren  
Fadel, Claudia  
Friedman, Daniel  
Gadberry, Christopher David  
Garcia, Wiston  
Garcia, Yelina  
Georgiev, Katina  
Gipson, Mikki  
Ha , Jonathan  
Hamel, Jeffrey M.  
Haro, George  
Hart, Jr., Richard  
Hsu, Joyce  
Huang, Jinman  
Huang, Leanne Yue-Liam  
Humble, Barbara  
Isbert,  
Jiang, Jessica  
Jones, Elvis  
Jones, Mai  
Jones, Marlon  
Keck, Tasha  
Kelley, Babeth M.  
Kimberly, Alex  
Kissman, Michael  
Ko , Ki Suk  
Kreml, Jeannine  
Lam, Raymond Y.  
Lam, Sandy  
Larrieu, Alain  
Lau, Loretta  
Lei, Leila  
Leung, Franklin  
Li, Jin Yuan  
Liang, Eileen Zheng  
Liu, Yan  
Luna, Sheileen  
Luo, Zhihong  
Ma, Ying Xian  
Medina, Toni R.  
Melgar, Anndy A.  
Misca, Andreas  
Morishita, Cassandra  
Munoz, Verna  
Nguyen, Phuong  
Nguyen, Trung  
Olson, Corey

Owens, Matthew	Tsui, Morris Wing
Padron, Sandro	Wang, Hong Mei
Perri, Nicholas J.	Ward, Yow
Premvaree, Nakorn	Welt, John H. Jr.
Richardson, Brenda	Welt, Shannon
Ritchie, Xu	Wergull, Nancy
Rogers, Tammy	Wong, Andy M.
Salomoun, Shadi	Wong, Bonnie
Sarant, Romilda	Wu, Yi Fan
Sax, Charocos	Wu , Kai Ching
Songarasit, Thawatchai	Xie, Christine Y.
Sosna, Thomas	Yoo, John
Spencer, Carless R.	Young, Teresa
Tan, David	Yu, Amy
Tan, Weida	Zhang, Jing
Tanis, Eve-nika	Zhang, Ping
Tanis, Wilnor	Zhao, Yan Hong
To, Eddie	Zhong, Xia
Tong, Iek Cheong	Zhou, Denise
Torres, Judy	

CONSENT TO JOINDER

By signing below I hereby consent to join this case as a plaintiff pursuant to 29 U.S.C. 216(b) and be represented by the attorneys Leon Greenberg, Mark Thierman, J.P. Kemp and Robin Potter pursuant to a written retainer agreement I have executed with them.

Dona A. Christian  
SIGN YOUR NAME

Dona A. Christian  
PRINT YOUR NAME

YOU MUST ALSO FILL OUT AND SIGN A RETAINER FORM

ORIGINAL OF THIS FORM SHOULD BE RETURNED TO:

LEON GREENBERG, ATTORNEY AT LAW  
2965 SOUTH JONES BOULEVARD #E-4  
LAS VEGAS, NV 89146

CONSENT TO JOINDER

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Marie Desderio  
SIGN YOUR NAME

Marie Desderio  
PRINT YOUR NAME

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Christina Dzama  
SIGN YOUR NAME

Christina Dzama  
PRINT YOUR NAME

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Dennis C. Dvando  
SIGN YOUR NAME

DENNIS C. DVANDO  
PRINT YOUR NAME

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Jeannine Krem  
SIGN YOUR NAME

Jeannine N Krem  
PRINT YOUR NAME

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SIGN YOUR NAME

GENET B. AMARE  
PRINT YOUR NAME

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Ashley Burbank  
SIGN YOUR NAME

Ashley Burbank  
PRINT YOUR NAME

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Richard D'Angelo  
SIGN YOUR NAME

Richard D'Angelo  
PRINT YOUR NAME

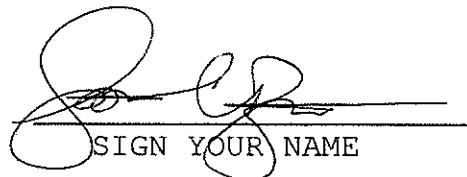
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---

SIGN YOUR NAME

Daniel Friedman  
PRINT YOUR NAME

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SIGN YOUR NAME

Christopher David Gadsberry  
PRINT YOUR NAME

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Winston Garcia  
SIGN YOUR NAME

Winston Garcia  
PRINT YOUR NAME

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SIGN YOUR NAME

YELINA GARCIA

---

PRINT YOUR NAME

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Mikki Gipson  
SIGN YOUR NAME

Mikki Gipson  
PRINT YOUR NAME

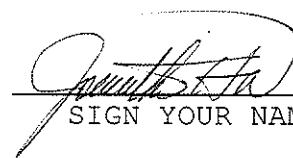
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SIGN YOUR NAME

JONATHAN HA  
PRINT YOUR NAME

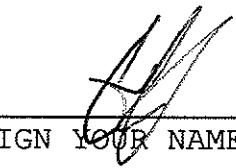
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\_\_\_\_\_  
SIGN YOUR NAME

George Hars  
PRINT YOUR NAME

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Barbara Hinkle  
SIGN YOUR NAME

Barbara Hinkle  
PRINT YOUR NAME

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SIGN YOUR NAME



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PRINT YOUR NAME

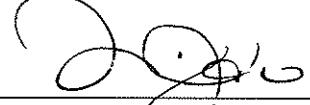
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---

SIGN YOUR NAME

Mai Jones  
PRINT YOUR NAME

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Mark  
SIGN YOUR NAME

Marlow Jones  
PRINT YOUR NAME

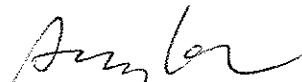
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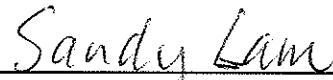
LEON GREENBERG, ATTORNEY AT LAW  
2965 SOUTH JONES BOULEVARD #E-3  
LAS VEGAS, NV 89146

CONSENT TO JOINDER

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SIGN YOUR NAME



PRINT YOUR NAME

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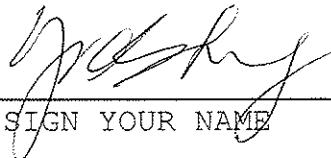
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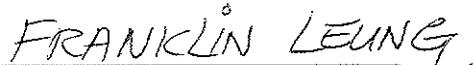
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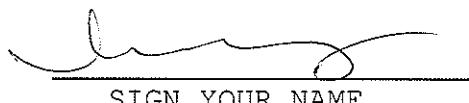
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Andy A. Melgar  
SIGN YOUR NAME

ANDY A. MELGAR  
PRINT YOUR NAME

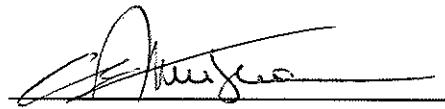
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ANDREAS MISCA  
PRINT YOUR NAME

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\_\_\_\_\_  
SIGN YOUR NAME

VERNA MUNDZ  
\_\_\_\_\_  
PRINT YOUR NAME

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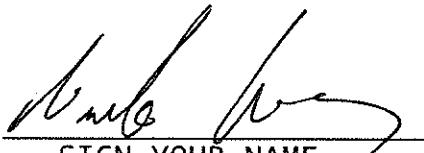
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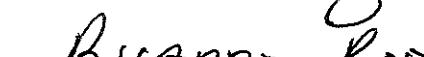
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Mark Thierman  
SIGN YOUR NAME



Ricardo Rodriguez  
PRINT YOUR NAME

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Shadi Salamean  
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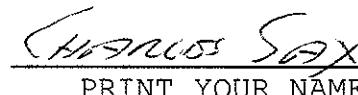
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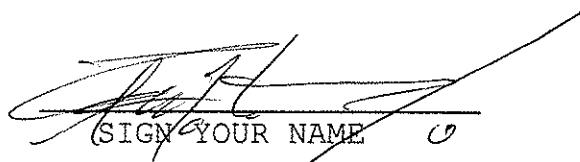
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Carlless R. Spencer  
PRINT YOUR NAME

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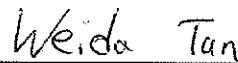
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Eve-nika Tanis  
SIGN YOUR NAME

Eve-nika Tanis  
PRINT YOUR NAME

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Wilnor Tanis

SIGN YOUR NAME

WILNOR TANIS

PRINT YOUR NAME

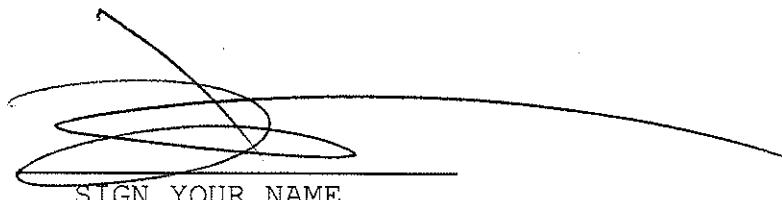
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Eddie To  
PRINT YOUR NAME

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Iek Cheong Tong  
SIGN YOUR NAME

Iek cheong Tong  
PRINT YOUR NAME

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SIGN YOUR NAME

Morris Wing Tsui  
PRINT YOUR NAME

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John H. Welt Jr.  
SIGN YOUR NAME

John H. Welt Jr.  
PRINT YOUR NAME

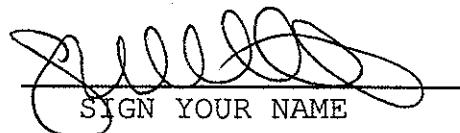
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Shannon Welt  
PRINT YOUR NAME

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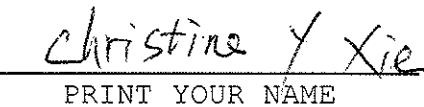
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SIGN YOUR NAME



Christine Y. Xie

PRINT YOUR NAME

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John Yoz  
SIGN YOUR NAME

John Yoz  
PRINT YOUR NAME

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Bryan D. Aromin  
SIGN YOUR NAME

BRYAN D. AROMIN  
PRINT YOUR NAME

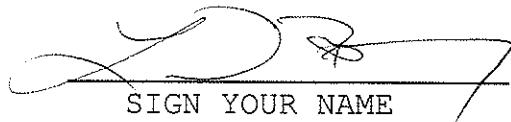
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SIGN YOUR NAME

Linda S. Blaney  
PRINT YOUR NAME

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Peter Chakarov

SIGN YOUR NAME

Peter Chakarov

PRINT YOUR NAME

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Malina Chakarova

SIGN YOUR NAME

MALINA CHAKAROVA

PRINT YOUR NAME

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Linda Chau  
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LINDA CHAU  
PRINT YOUR NAME

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CHIANG, KAI HONG  
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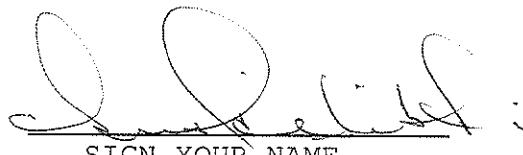
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Christina Ciliberti  
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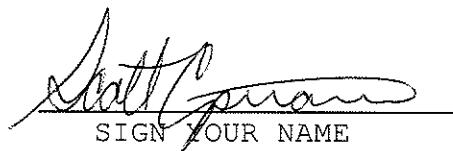
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Scott Cipriani  
SIGN YOUR NAME



Scott Cipriani  
PRINT YOUR NAME

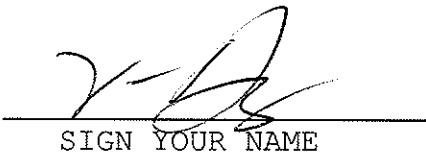
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VIVIAN J. DENG

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PRINT YOUR NAME

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*M. DiGirolamo*  
Mike DiGirolamo  
SIGN YOUR NAME

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PRINT YOUR NAME

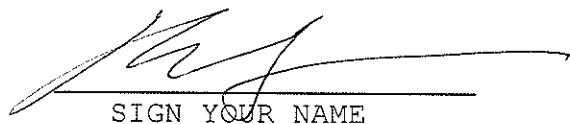
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Candida Duenas  
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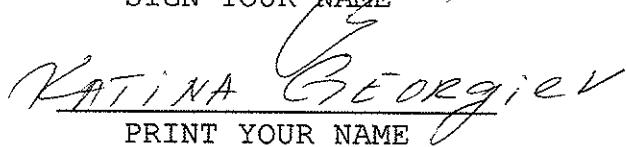
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SIGN YOUR NAME  
  
PRINT YOUR NAME

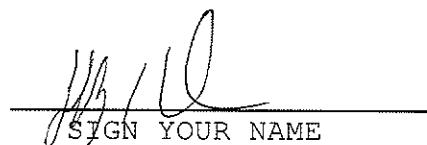
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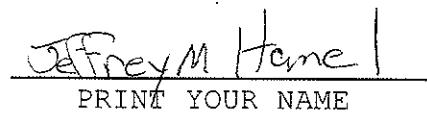
LEON GREENBERG, ATTORNEY AT LAW  
2965 SOUTH JONES BOULEVARD #E-3  
LAS VEGAS, NV 89146

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\_\_\_\_\_  
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\_\_\_\_\_  
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RICHARD HART JR.

SIGN YOUR NAME

RICHARD N HART JR.

PRINT YOUR NAME

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Joyce Hsu  
SIGN YOUR NAME

Joyce Hsu  
PRINT YOUR NAME

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Leanne Yue-Lian Huang  
SIGN YOUR NAME

Leanne Yue-Lian Huang  
PRINT YOUR NAME

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Tasha Keck  
SIGN YOUR NAME

Tasha Keck  
PRINT YOUR NAME

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Elizabeth M. Kelley  
SIGN YOUR NAME

Elizabeth M. Kelley  
PRINT YOUR NAME

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RAYMOND Y LAM  
PRINT YOUR NAME

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SHELEEN LUNA  
PRINT YOUR NAME

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Toni R. Medina  
PRINT YOUR NAME

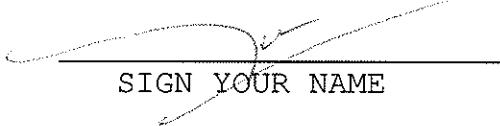
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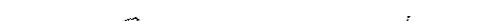
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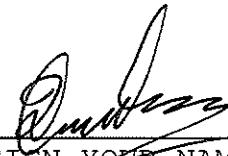
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SIGN YOUR NAME

Trung Nguyen

PRINT YOUR NAME

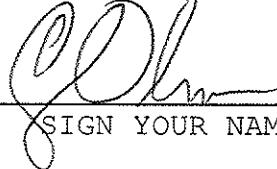
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Corey Olson  
PRINT YOUR NAME

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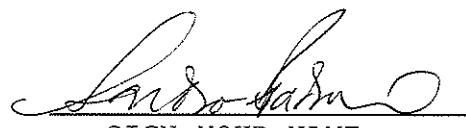
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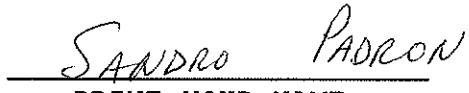
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Brenda Richardson

SIGN YOUR NAME

Brenda Richardson

PRINT YOUR NAME

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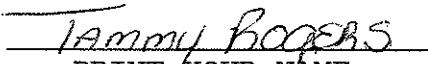
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DAVID TAN

PRINT YOUR NAME

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Judy Torres  
SIGN YOUR NAME

Judy Torres  
PRINT YOUR NAME

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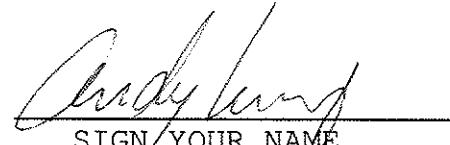
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---

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Bonnie Wong

---

PRINT YOUR NAME

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Kai Ching Wu

SIGN YOUR NAME

Kai Ching Wu

PRINT YOUR NAME

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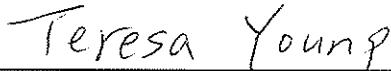
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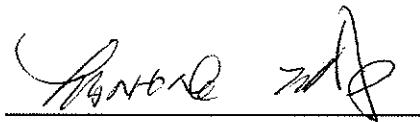
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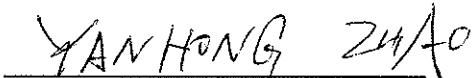
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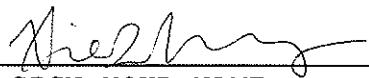
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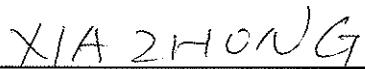
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Estella Brown  
SIGN YOUR NAME



Estella Brown  
PRINT YOUR NAME

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SIGN YOUR NAME

LINDA CHARKAS

PRINT YOUR NAME

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Marianne Caschia-Anderson

SIGN YOUR NAME

Marianne Caschia-Anderson

PRINT YOUR NAME

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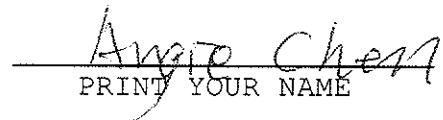
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Matthew Cincotto  
SIGN YOUR NAME

MATTHEW CINCOTTO  
PRINT YOUR NAME

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Wulf Smith  
SIGN YOUR NAME

NURYS CROCKETT  
PRINT YOUR NAME

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Thomas Ealy Jr.  
PRINT YOUR NAME

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Lauren Egan

SIGN YOUR NAME

Lauren Egan

PRINT YOUR NAME

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Claudia Fadel  
SIGN YOUR NAME

CLAUDIA FADEL  
PRINT YOUR NAME

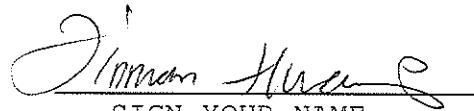
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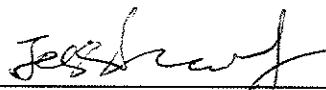
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ORIGINAL OF THIS FORM SHOULD BE RETURNED TO:

LEON GREENBERG, ATTORNEY AT LAW  
2965 SOUTH JONES BOULEVARD #E-4  
LAS VEGAS, NV 89146

CONSENT TO JOINDER

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SIGN YOUR NAME

JESSICA JIANG

PRINT YOUR NAME

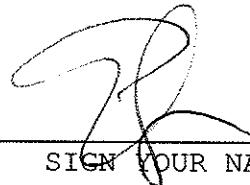
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SIGN YOUR NAME

Elvis Jones

PRINT YOUR NAME

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Alex KIM  
SIGN YOUR NAME

Alex KIM  
PRINT YOUR NAME

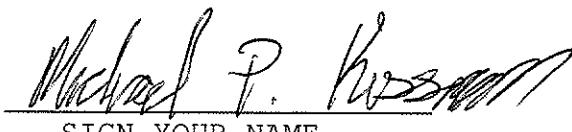
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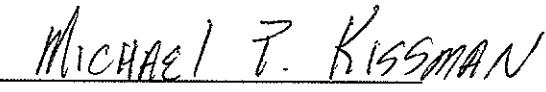
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2/26

SIGN YOUR NAME

Ki Suk Ko

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Loretta Lau

SIGN YOUR NAME

Loretta Lau

PRINT YOUR NAME

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Eileen Liang  
SIGN YOUR NAME

Eileen zheng Liang  
PRINT YOUR NAME

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Yan Liu

PRINT YOUR NAME

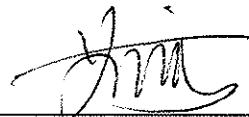
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Ying Xian Ma

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Cassandra Morishita  
SIGN YOUR NAME

Cassandra Morishita  
PRINT YOUR NAME

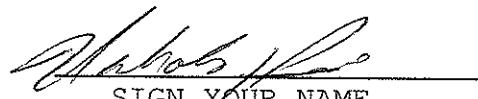
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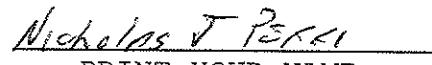
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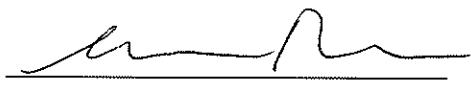
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 3/2/16

SIGN YOUR NAME

Nakorn Premvarree  
PRINT YOUR NAME

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Romilda Sarant  
SIGN YOUR NAME

Romilda Sarant  
PRINT YOUR NAME

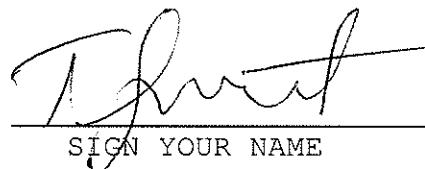
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 3-3-16  
SIGN YOUR NAME

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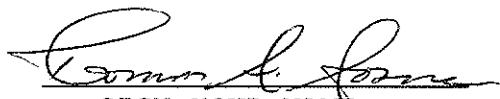
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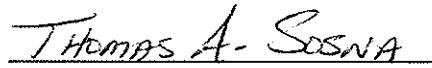
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*Yv Ward*  
SIGN YOUR NAME  
*Yv Ward*  
PRINT YOUR NAME

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Nancy Dergull  
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SIGN YOUR NAME

Yi Fan Wu  
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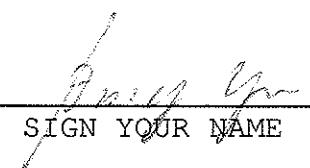
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Jing Zhang

SIGN YOUR NAME

JING ZHANG

PRINT YOUR NAME

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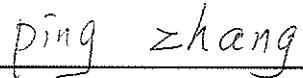
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Denise Zhou  
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